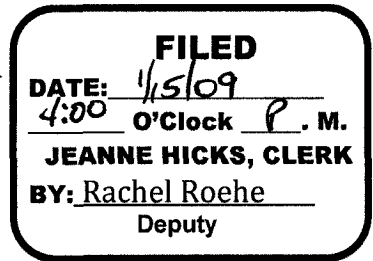


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION: 6

JEANNE HICKS, CLERK

HON. THOMAS B. LINDBERG

By: Rachel Roehe, Deputy Clerk

CASE NO. CR20081339

DATE: January 15, 2009

**TITLE:**

**COUNSEL:**

STATE OF ARIZONA  
(Plaintiff)

Yavapai County Attorney  
(For Plaintiff)

vs.

STEVEN CARROLL DEMOCKER  
(D-1)

John Sears  
  
Larry A. Hammond  
Anne M. Chapman  
OSBORN MALEDON, P.A.  
2929 North Central Avenue, 21<sup>st</sup> Floor  
Phoenix, AZ 85012-2794  
(For Defendant)

**HEARING ON:**  
Continued Simpson Hearing

**NATURE OF PROCEEDINGS**

**COURT REPORTER**  
Christy Harrington (a.m.)  
Heidi Anderson (p.m.)

**START TIME: 9:12 a.m.**

**APPEARANCES:** Steven Democker, Defendant (in custody)  
Mark Ainley, Deputy County Attorney  
John Sears, Counsel for the Defendant  
Anne Chapman, Co-Counsel for the Defendant  
Rich Robertson, Defense Investigator  
John McDermott, State Investigator

This is the time set for the continued Simpson bail hearing.

Mark Cardwell resumes the witness stand and testifies further.

Exhibit 74 is admitted into evidence without objection.

Exhibit 77 is marked for identification.

Exhibit 77 is offered by Defense Counsel. Counsel for the State objects. The objection is sustained and the exhibit is not admitted.

The witness is directed to remove the pages from Exhibit 77 that he can identify. The Court directs that those pages be marked as Exhibit 77A.

Exhibit 77A is admitted into evidence without objection.

The witness is excused.

~\*~\*~\*~\*~ Recess 10:23 a.m. ~\*~\*~\*~\*~

At 10:30 a.m., Court resumes in chambers with the presence of the Defendant, both Defense Counsel, and Counsel for the State.

Defense Counsel states his concerns regarding the cameras in the Courtroom and requests that the photographers be admonished again regarding not taking photos unless Court is in session.

Defense Counsel requests that the Defendant not have to wear the belt while testifying, if he chooses to testify.

Counsel argue Defense Counsel's request to limit the Defendant's testimony.

Discussion takes place regarding the witnesses.

The Court rules that if the Defendant testifies, the State is allowed to conduct cross examination on any issues pertaining to the issue of if the proof is evident and the presumption great that the Defendant committed any of the listed offenses.

The Court declines to change its previous ruling regarding the issue of flight.

The Court reserves deciding the issue of the belt until after it is determined if the Defendant will testify.

~\*~\*~\*~\*~ Recess 11:00 a.m. ~\*~\*~\*~\*~

At 11:40 a.m., Court resumes in chambers with the presence of the Defendant, both Defense Counsel, and Counsel for the State.

Defense Counsel informs the Court that his client has chosen not to testify. This choice is based upon an objection to the Court's ruling regarding the Defendant's testimony.

Discussion takes place with regard to the testimony of Ms. Wallace.

The Defense rests.

~\*~\*~\*~\*~ Recess 11:50 a.m. ~\*~\*~\*~\*~

At 11:58 a.m., Court reconvenes with the presence of the Defendant, both Defense Counsel, Counsel for the State, and both investigators.

The Court admonishes the media that no photography shall occur when Court is out of session. Photography is limited to what is going on in Court. The Court emphasizes that this is a specific order which will be enforced with sanctions, including the possibility of being barred from photographing the proceedings if this order is violated.

~\*~\*~\*~\*~\*~ Recess – 12:00 p.m. ~\*~\*~\*~\*~\*~

At 1:36 p.m., Court reconvenes with the presence of all parties previously present.

Cynthia Wallace is sworn and testifies.

Exhibits 78, 79 and 80 are marked for identification.

Exhibit 78 is admitted into evidence without objection.

Exhibits 79 and 80 are admitted into evidence without objection.

The State rests.

~\*~\*~\*~\*~\*~ Recess – 2:29 p.m. ~\*~\*~\*~\*~\*~

At 2:47 p.m., Court reconvenes with the presence of all parties previously present.

Counsel present closing arguments.

The Court takes the matter under advisement.

Oral Argument regarding the Motion for Grand Jury Remand is set for **January 16, 2009, at 2:30 p.m.**

**END TIME: 4:00 p.m.**

**Thereafter, off the record, IT IS ORDERED** substituting Exhibit 64a for 64, 65a for 65 and 66a for 66. **IT IS FURTHER ORDERED** that all unadmitted exhibits as well as the posters (Exhibits 64, 65 and 66) are released to the submitting party.

cc: VS (e+)  
Division 6 - Under Advisement (w/file & exhibits)  
YCSO